



MEMORANDUM

TO: Honorable Chairman and Members of the Board of Zoning Appeals

FROM: Jason Purse, Zoning Administrator

DATE: February 7, 2013

SUBJECT: **ZA-0001-2013** **Goodyear Tire Center**

FACTS:

Mr. Jason Grimes, of AES Consulting Engineers, has applied for a variance to Section 24-57, Parking lot design, to extend the maximum length of the parking bay between landscape islands from 90 feet to approximately 99 feet. This proposed variance request is to allow the continued placement of an open space island that, because of its placement, makes the parking bay more than 90 feet between the next island. This property is located at 4830 Monticello Avenue, is currently zoned MU, Mixed-Use and can further be identified as JCC RE Tax Map No. 3831800003C.

FINDINGS:

The zoning ordinance requires parking lots to be constructed so that spaces are grouped into bays. At the end of each bay, a landscape island of at least nine feet in width and 15 feet in length shall be built to separate the bays from each other or from traffic lanes. A parking bay may not be constructed to a length of more than 90 feet without constructing a landscape island. The site plan for Goodyear was approved on June 8, 2012. On the approved site plan, all of the parking islands were located in the correct locations, with none of the parking bays being more than 90 feet.

During construction, a Dominion Resources power pole, with associated guy wire, was unable to be relocated onsite as originally planned. The guy wire was located in the middle of what was to be a parking space. Since the guy wire was required to hold the power pole a landscape island was moved one space over during construction, which resulted in the length of the parking bay exceeding 90 feet. Since landscape islands, by definition, are considered open space by section 24-2, the BZA can grant a variance in this limited instance to section 24-57 of the Parking lot design section of the ordinance. The definition of open space reads as follows:

Open space. Space suitable for recreation, gardens or landscaping which may include areas left in their natural state, trails, ponds, stream banks, recreation areas, areas of excessive slopes, low-lying areas and marshes and landscaped areas required by this chapter. Such space must be free of automobile traffic and parking and be readily accessible to all those for whom it is required.

Practically speaking, the shift of the nine feet does not appear to be noticeable in the field.

RECOMMENDATION:

This open space variance request will not lessen the amount of open space on-site, but will result in the movement of the required open space by nine feet. Staff acknowledges the property owner only became aware of the potential conflict during construction and has worked with staff diligently to remedy the issue. An unnecessary hardship exists when the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property. Staff finds no undue hardship in this case and therefore does not support the application. However should the Board wish to grant the variance, staff feels the variance would not be a detriment to adjoining properties nor alter the character of the area. Furthermore, given the specific issue of the existing guy wire on this parcel and other unique factors associated with this proposal, a decision to approve the variance request would not create precedent for future cases.

Attachments:

Resolution

As Built Survey

Location Map